

FISCAL NOTE

HB 3445 - SB 3681

March 15, 2006

SUMMARY OF BILL: Makes it is a Class B misdemeanor for a person who is operating or in physical control of a motor vehicle to consume an alcoholic beverage. Makes it a Class C misdemeanor to possess an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a public highway except in a motor vehicle being used primarily to transport passengers for compensation, in the living quarters of a recreational vehicle, or a vehicle operated by a chauffeur.

ESTIMATED FISCAL IMPACT:

Increase State Revenues - \$123,500

Increase Local Govt. Revenues - \$6,500

Increase Local Govt. Expenditures - Not Significant

Other Fiscal Impact – To the extent the provisions of this bill meet federal “open container” requirements, this bill could prevent the transfer of approximately \$14 million in federal funds for FY 06-07 and subsequent years from road construction programs to highway safety programs.

Assumptions:

- The number of open container violations would double from 650 to 1,300.
- Increase in the average fine for violations of open container provisions committed by drivers from \$40 to \$200 as a result of making offense a Class B misdemeanor.
- Average fine for violations of open container provisions by passengers of \$40.
- The State receives fines and the clerks receive commission on such fines in accordance with TCA 55-10-303.

- There will not be a sufficient number of prosecutions for local governments to experience any significant increase in expenditures.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director